



ARIZONA BOARD OF FINGERPRINTING

Mail Code 185 • Post Office Box 6129 • Phoenix, Arizona 85005-6129
Telephone (602) 322-8590 • Fax (602) 322-8594

Final Minutes for Regular Session Meeting

Held August 27, 2004 at 8:00 a.m.

2222 West Encanto Blvd., Suite 350, Phoenix, Arizona

Board Members

Mike LeHew, Department of Economic Security, Chair
Vincient Yanez, Department of Education, Vice Chair
Alvin Vasicek, Administrative Office of the Courts
Kim Pipersburgh, Department of Health Services
Vernon Waite, Department of Juvenile Corrections

Executive Director

Dennis Seavers

CALL TO ORDER AND ROLL CALL

Mr. Yanez called the meeting to order at 9:00 a.m. and conducted a roll call. The following members were present: Vince Yanez, Al Vasicek, Kim Pipersburgh, and Vernon Waite. The following member was absent: Mike LeHew. Also in attendance were David Miller, Chief Executive Officer of the Arizona Council of Human Service Providers, and David J. Cocoros, Executive Director of Youth Development Institute.

CALL TO THE PUBLIC

Mr. Yanez altered the order of the agenda to give the only members of the public, who had attended to discuss the topic of interim work permits, an opportunity to speak sooner.

BOARD POLICY ON INTERIM WORK PERMITS

Mr. Yanez asked Mr. Seavers to initiate discussion on the board's policy regarding the issuance of interim work permits. Mr. Seavers deferred to David Miller and asked him to introduce the issue.

Mr. Miller reported that member agencies (i.e., human service providers) appeared to have a number of class two fingerprint clearance card holders who, when they try to renew, have their applications for a fingerprint clearance card denied. Mr. Miller said that these employees already were employed in the member agency, have had no additional offenses, and seem to pose no additional risk providing for vulnerable citizens. He believed the board should automatically allow these individuals to continue working in their present employment positions while awaiting the outcome of their applications for good cause exceptions. He expressed concern that, otherwise, both the agencies and the board might face lawsuits.

Mr. Waite noted that some of the class two cardholders represented individuals who had received the card through a good cause exception and whose cases were complex and difficult. He said that the board sometimes was hesitant even to issue a class two card.

Mr. Cocoros explained that the vulnerable citizens also can suffer from the effect of an individual not being able to work while the good cause exception process is underway. He said that these citizens can feel abandoned with a discontinuity of service. He added that fingerprint clearance card applicants sometimes represent a significant investment on the part of a human service provider.

Mr. Waite noted that planning and forethought on the part of appellants as the class two card nears its expiration date can help prevent or limit periods of unemployment.

Mr. Miller said that this issue would disappear in a few years, when all the class two cards had expired. He said that the difficulty recruiting and retaining workers in human service agencies would be compounded without some provision for temporary authorization to work while class two cardholders went through the appeal process.

Mr. Yanez asked why interim work permits are not, in practice, issued by the board currently. Ms. Pipersburgh said that the board's success at reducing its backlog made the need for interim work permits unnecessary or limited.

Mr. Yanez asked what sort of action the board would need to take to begin issuing interim work permits. Mr. Seavers said it would be best if the board were to generate administrative rules to describe the process of approving interim work permits, but A.R.S. § 41-619.55(I) authorizes the board to issue the permits.

Mr. Waite made a motion to go into executive session, and Ms. Pipersburgh seconded. The motion passed, 4-0, and the board entered into executive session at 9:31 a.m.

The board emerged from executive session at 9:51 a.m.

APPROVAL OF MINUTES

Mr. Waite made a motion to approve the minutes of the meeting on June 18, 2004, and Ms. Pipersburgh seconded. The motion passed, 4-0.

CHAIR'S REPORT

Mr. LeHew was unable to attend the meeting, and Mr. Yanez had no report to make.

EXECUTIVE DIRECTOR'S REPORT

Mr. Seavers reported on the fiscal year ("FY") 2004 revenues and expenditures. He said that the board received two appropriations from the Legislature: \$72,600 from the General Fund and \$268,700 from the Fingerprint Clearance Card Fund. According to the General Accounting Office, these monies would carry over into FY 2005 and would not revert at the end of FY 2004. Mr. Seavers said that the board spent \$275,781.84 in FY 2004. The board's expenditures were in the following amounts by category.

- Personal Services, \$135,518.90
- Employee-related Expenditures, \$35,303.30
- Professional and Outside Services, \$23,103
- Other Operating, \$41,213.87
- Non-capital Equipment, \$5,729.31
- Transfers out, \$34,913.46

Mr. Seavers presented his proposed budget for FY 2005. He noted that the general salary adjustment established by the Legislature appears in the proposal, but any increases the board may make are not included. He said the board's revenue, which would amount to \$457,248.16, would come from two sources. First, the board would have \$217,248.16 in carry-over monies from the previous fiscal year. Second, he projected that the board would collect \$240,000 in fees, assuming 80,000 fingerprint clearance card applications in FY 2005, allocated to each fiscal quarter according to the previous fiscal year's trend. He added that the first quarter revenue from fees represents the actual fees collected in quarter four of FY 2004. Mr. Seavers proposed that the board spend \$281,084.20 in FY 2005. The board would carry over \$176,163.96 into FY 2006, along with \$74,800 of fee collections in the fourth quarter. The board's expenditures would be in the following amounts by category.

- Personal Services, \$139,947.18
- Employee-related Expenditures, \$45,657.02
- Professional and Outside Services, \$10,200
- Other Operating, \$60,280
- Transfers Out, \$25,000

Mr. Yanez asked that the board make a final decision on the proposed budget at its subsequent meeting.

Mr. Seavers submitted actual numbers for the board's strategic plan in FY 2004. He said he had developed some new performance measures for the board to consider later. The FY 2004 strategic plan data appear in the background materials for this meeting's notice of hearing.

Mr. Seavers reported that the network is in place. The database improvements are almost done, and the Web site should be up before the end of the year. He added that audio files would be available digitally if board members are interested in a particular hearing.

EXPEDITED REVIEW BUSINESS PROCESS

Mr. Seavers described one possible flaw that Mr. Waite had identified in the board's current process for conducting expedited reviews. For most of the cases, board members receive the investigator's summaries prior to when the board members actually meet to make good cause exception determinations under an expedited review. However, the board members sometimes will look at files that have arrived in the office between the time they receive the summaries and when they actually meet. In effect, these are cases that would not have appeared on the consent agenda. These late files typically are reviewed only by one board member, with two other members signing off on any approvals without examining the file. In order to improve the board's scrutiny of files, the board's staff now will begin to have the late files separate from the files on the consent agenda. The staff will give the board members copies of the investigator's summaries for the late files to ensure that all board members are familiar with the cases.

Mr. Waite noted that it would be necessary to include among the late files those cases on the consent agenda where a board member did not agree with a hearing recommendation.

INTERIM WORK PERMITS (revisited)

The board recessed at 10:12 a.m. until the board's attorney was able to join telephonically.

The board reconvened at 10:51 a.m. Mr. Waite made a motion for the board to enter executive session, and Mr. Vasicek seconded. The board entered executive session at 10:51 a.m.

The board emerged from executive session at 10:54 a.m.

Mr. Seavers summarized possible parameters for the approval and issuance of interim work permits. In order for the appellant to receive an interim work permit, he or she must have had a class two fingerprint clearance card and must apply to the Department of Public Safety ("DPS") for a renewal fingerprint clearance card within 90 days of the expiration date of the class two card. Additionally, once the board's staff receives the appellant's request for a good cause exception, it immediately orders the criminal history records from DPS to verify that there have not been any new offenses since the effective date of the class two card, whether or not the arrest

is for an offense listed in A.R.S. § 41-1758.03. Mr. Waite suggested that the appellant also must have a letter of reference from the current employer indicating that the employer supports an interim work permit.

Mr. Yanez said that A.R.S. § 41-619.55(I) appears to require that the board have an approval process for interim work permits set in administrative rule.

Mr. Vasicek suggested that the board revisit the issue of interim work permits at a later board meeting. Mr. Waite asked Mr. Seavers to type up the requirements to be considered for interim work permits and share them with the board members.

ADJOURNMENT

Mr. Vasicek made a motion to adjourn the meeting, and Mr. Waite seconded. The motion passed, 4-0. Mr. Yanez adjourned the meeting at 11:26 a.m.

Minutes approved on _____, 2004

Dennis Seavers, Executive Director